

REMARKS

*Status of the Claims*

With entry of this amendment, claims 1-3, 5 and 6 are currently pending and under consideration.

*Notice of Non-Compliant Amendment*

The Examiner has stated that the amendment to the claims filed on October 25, 2007, does not comply with the requirements of 37 CFR 1.121(c) because the claims are not properly marked up to indicate changes made relative to the immediate prior version of the claims.

Applicants have corrected the inadvertent underlining of the unmodified section of Claim 1: "...determining whether said amount of nucleic acid comprising a preselected sequence which is specific for said bacterial pathogen exceeds a first predetermined cut off value, ...".

Applicants assert that the amendment is now in compliance with 37 CFR 1.121(c).

### CONCLUSION

Applicants respectfully request entry of the provided Amendments and Remarks, and assert that the present application is in condition for allowance and request that the Office issue a timely Notice of Allowance. If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-730-8000.

Applicants assert that no fees are due to enter this Response. However, please grant any extensions of time that may be required and charge any additional fees or credit any overpayments to Deposit Account No. 50-0812.

Please direct all future correspondences to: Customer No. 22829.

Respectfully submitted,

Date: January 25, 2008

By:

  
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